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Attorneys for Plaintiff,
BISCOTTI, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BISCOTTI, INC.,

Plaintiff,

v.

KANDY KISS OF CALIFORNIA, INC.
d/b/a Zoey, and DOES 1-10, inclusive,

Defendants.

Case No. 3:07-cv-3681 BZ

**STIPULATION AND PROPOSED ORDER RE
PRIVATE MEDIATION IN LIEU OF COURT-
CONNECTED MEDIATION**

Complaint Filed: July 17, 2007

IT IS HEREBY STIPULATED, between plaintiff, BISCOTTI, INC., ("Plaintiff") and
defendant KANDY KISS OF CALIFORNIA, INC. d/b/a Zoey ("Defendant") by and through their
respective attorneys of record herein, that:

1. WHEREAS, on July 17, 2007, Plaintiff filed this civil action for copyright
infringement and related claims, and
2. WHEREAS on September 24, 2007, Defendant filed its Answer to Complaint.
3. WHEREAS on July 17, 2007, the Court referred this matter to the court-connected
mediation program pursuant to (ADR L.R. 6), and
4. WHEREAS the parties have agreed to attend private mediation in lieu of court-
connected mediation. The parties are in the process of coordinating a date with a private mediator.

Both parties believe private mediation will be more conducive to resolution of the case.

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE, as follows:

1. The parties agree to attend private mediation in lieu of court-ordered arbitration as regards this matter, and

2. The parties will confer and endeavor to agree upon a mutually acceptable mediator and will promptly notify the court of their selection once a date has been confirmed.

Dated: November __, 2007

NIXON PEABODY LLP

By:

GLENN E. WESTREICH
ROSALYN P. MITCHELL
Attorneys for Plaintiff
BISCOTTI, INC.

Dated: November __, 2007

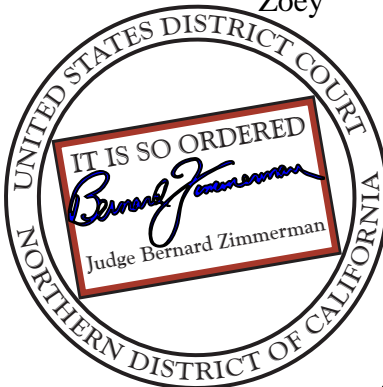
EZRA, BRUTZKUS, GUBNER LLP

By:

MARK D. BRUTZKUS
LUIS A. GARCIA
Attorneys for Defendant
KANDY KISS OF CALIFORNIA, INC. d/b/a
Zoey

It is so ordered.

Dated: November 29, 2007



By:


The Honorable Bernard Zimmerman
Magistrate Judge